IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 143 (S/S) of 2005

1. Trilochan Prasad Kimoti, son of late Sri Hari Ballabh Kimoti, presently posted as PA to Chief Engineer Grade – I, PWD, Dehradun.
2. Narendra Singh Tomar, son of Sri late Rama Nath Singh Tomar, presently posted as Steno in the office of Superintending Engineer, 36th Circle, PWD, Pauri Garhwal.
3. Balak Singh Bisht, S/o Sri Jeet Singh Bisht, presently posted as Steno in the office of Superintending Engineer, 13th circle, PWD, Uttarkashi.
4. Surendra Prasad Juyal, son of Sri Pitamber Dutt Juyal, presently posted as Steno in the office of Superintending Engineer, 24th Circle, PWD, Dehradun.
5. Sureshnand, son of late Sri Pyare Lal, presently posted as Steno in the office of Superintending Engineering, National Highway Circle, PWD, Dehradun.
6. Ram Chandra Nailwal, son of Sri Mukund Ram, presently posted as Steno in the office of Superintending Engineer, 38th Circle, PWD, Gopeshwar.

……Petitioners

Versus

1. State of Uttaranchal through Secretary, PWD, Uttaranchal Shashan, Dehradun.
2. Chief Engineer Grade – I, PWD Yamuna Colony, Dehradun, District – Dehradun.
3. Chief Engineer Grade – II, Garhwal Region, Pauri, District – Pauri Garhwal.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

1. Heard Sri H.M. Raturi, learned counsel for the petitioners and Sri Paresh Tripathi, learned counsel for the State of Uttaranchal on behalf of respondents.

2. Learned counsel for the petitioners has submitted that the grievance of the petitioners has already been redressed by

the department vide order dated 24.01.2006. However, in the letter, it is stated that the benefit, which is being provided to the petitioners, shall be subject to the decision of the writ petition.

3. Learned counsel for both the parties have submitted that controversy raised by means of this writ petition has already been decided by the Allahabad High Court in Special Appeal No. 724 of 1994 (Bajrangi Pandey & another Vs. State of U.P. and another) and the decision of the Allahabad High Court is in favour of the petitioners.

4. Against the order passed Allahabad High Court State of U.P. has preferred SLP before Hon'ble Apex Court and the Hon'ble Apex Court has dismissed the SLP vide order dated 08.03.2004 as evident from the Government Order dated 29.06.2004. Meaning thereby, order passed by Allahabad High Court is confirmed.

5. In view of the above facts and circumstance, writ petition is allowed on the same terms and observations made by Allahabad High Court in the aforesaid judgment. No order as to costs.

(M.M. Ghildiyal, J)

July 07, 2006
SKSharma